

# **EXHIBIT 3**

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24 *Attorneys for Defendant Sonos, Inc.*

25 UNITED STATES DISTRICT COURT  
26 NORTHERN DISTRICT OF CALIFORNIA  
27 SAN FRANCISCO DIVISION”

28 GOOGLE LLC,

Plaintiff and Counter-defendant,

v.

SONOS, INC.,

Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA  
Related to Case No. 3:21-cv-07559-WHA

**FIRST SUPPLEMENTAL  
REBUTTAL EXPERT REPORT OF  
DR. KEVIN C. ALMEROOTH**

1 reply declaration and my 7/27/2022 Rebuttal Report that were submitted during the “patent  
2 showdown” phase of the case, I incorporated those prior analyses and opinions into my 1/13/2023  
3 Rebuttal Report and also expressly reserved the right to supplement my opinions and analyses to  
4 address any new analyses or opinions offered by Dr. Schonfeld regarding the alleged invalidity of  
5 Asserted Claim 1 of the ’885 Patent in the event that Google was later given the right to challenge  
6 the invalidity of the ’885 Patent at trial.

7       14. While I did not directly address the validity of the ’885 Patent in my 1/13/2023  
8 Rebuttal Report, I did set forth my rebuttal to Dr. Schonfeld’s analyses and opinions in the context  
9 of the Asserted Claims of the ’966 Patent. And as noted above, because Dr. Schonfeld premised  
10 his opinions regarding the Asserted Claims of the ’966 Patent on his analyses of the prior art as  
11 compared to Asserted Claim 1 of the ’885 Patent (instead of providing any separate analyses of  
12 the prior art as compared to the Asserted Claims of the ’966 Patent), I addressed Dr. Schonfeld’s  
13 analyses of the prior art as compared to Asserted Claim 1 of the ’885 Patent when providing my  
14 analyses and opinions regarding the validity of the Asserted Claims of the ’966 Patent in my  
15 1/13/2023 Rebuttal Report. Thus, the analyses and opinions in my 1/13/2023 Rebuttal Report  
16 provide further support for my opinion that Asserted Claim 1 of the’885 Patent is not anticipated  
17 or rendered obvious by any of the alleged prior art relied upon by Dr. Schonfeld.

18       15. I have now been informed by counsel that, on March 2, 2023, the Court granted  
19 Google’s motion for reconsideration of its October 18, 2022 order and withdrew its prior ruling of  
20 summary judgment in favor of Sonos as to the validity of Asserted Claim 1 of the ’885 Patent.  
21 D.I. 539.

22       16. In view of the Court’s March 2, 2023 order, I have now been asked to submit this  
23 First Supplemental Rebuttal Report regarding the validity of the ’885 Patent in order to address  
24 any new analyses or opinions offered by Dr. Schonfeld regarding the alleged invalidity of Asserted  
25 Claim 1 of the ’885 Patent that I did not previously address in my 5/19/2022 reply declaration, my  
26 7/27/2022 Rebuttal Report, or my 1/13/2023 Rebuttal Report.

27 **II. BACKGROUND AND QUALIFICATIONS**

28       17. My background and qualifications are set forth in my 1/13/2023 Rebuttal Report as

1 for Asserted Claim 1 of the '885 Patent, I did address Dr. Schonfeld's analyses of these new  
2 invalidity grounds for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report when  
3 providing my analyses and opinions of the Asserted Claims of the '966 Patent.<sup>1</sup>

4 **X. VALIDITY OF THE '885 PATENT**

5 **A. Claim 1 is Not Rendered Obvious Based on Sonos's 2005 System**

6 **1. Sonos's 2005 System Alone**

7 43. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
8 Asserted Claim 1 of the '885 Patent is rendered obvious based on Sonos's 2005 system in view of  
9 the "general knowledge of a POSITA." Schonfeld 11/30/2022 Op. Report at ¶¶ 267-329, 333-359,  
10 407-419, 440-444, 449-453. As I have previously explained, I disagree – it is my opinion Asserted  
11 Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view of the  
12 "general knowledge of a POSITA."

13 44. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
14 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
15 of the "general knowledge of a POSITA."

16 45. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
17 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
18 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of the "general knowledge of  
19 a POSITA" that he provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal

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20 <sup>1</sup> At certain points in his June 22, 2022 and November 30, 2022 Opening Reports, Dr. Schonfeld  
21 also referenced opinions that Asserted Claim 1 of the '885 Patent is rendered obvious based on  
22 other combinations, including Squeezebox in combination with Sonos's 2005 System and  
23 Squeezebox in combination with the Bose Lifestyle 50 System (see Schonfeld 6/22/2022 Op.  
24 Report at Section X.B. header), as well as the Bose Lifestyle 50 System in combination with Sonos  
25 Forums, the Bose Lifestyle 50 System in combination with Squeezebox, and the Bose Lifestyle 50  
26 System in combination with Sonos's 2005 system (see Schonfeld 6/22/2022 Op. Report at ¶ 6 and  
27 Section X.C. header and Schonfeld 11/30/2022 Op. Report at ¶¶ 6, 858, Section XI.D header), but  
28 he did not provide any analyses for these other combinations and it appears to me that the  
references to these other combinations may have been in error. To the extent that Dr. Schonfeld  
later attempts to and is permitted to offer invalidity opinions based on these other combinations, I  
reserve my right to respond and also note that I disagree with such opinions for at least the reasons  
I explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports regarding the deficiencies of  
Squeezebox, Sonos's 2005 System, the Bose Lifestyle 50 System, and Sonos Forums.

1 Report as part of my analyses and opinions as to why the Asserted Claims of the '966 Patent are  
2 not rendered obvious based on Sonos's 2005 system in view of the "general knowledge of a  
3 POSITA." As such, my analyses and opinions regarding the validity of the Asserted Claims of the  
4 '966 Patent over Sonos's 2005 system in view of the "general knowledge of a POSITA" provide  
5 further support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered obvious  
6 based on Sonos's 2005 system in view of the "general knowledge of a POSITA."

7       46. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
8 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his  
9 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 22-43) for the same  
10 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
11 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
12 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of the "general  
13 knowledge of a POSITA."

14           **2. Sonos's 2005 System in view of Sonos Forums**

15       47. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
16 Asserted Claim 1 of the '885 Patent is rendered obvious based on Sonos's 2005 system in view of  
17 his Sonos Forums reference. Schonfeld 11/30/2022 Op. Report at ¶¶ 330, 360-366, 372-383, 404,  
18 435, 446, 455. As I have previously explained, I disagree – it is my opinion Asserted Claim 1 of  
19 the '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Dr. Schonfeld's  
20 Sonos Forums reference.

21       48. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
22 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
23 of Dr. Schonfeld's Sonos Forums reference.

24       49. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
25 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
26 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of his Sonos Forums reference  
27 that he provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part  
28 of my analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered

1 obvious based on Sonos's 2005 system in view of Dr. Schonfeld's Sonos Forums reference. As  
2 such, my analyses and opinions regarding the validity of the Asserted Claims of the '966 Patent  
3 over Sonos's 2005 system in view of Dr. Schonfeld's Sonos Forums reference provide further  
4 support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered obvious based on  
5 Sonos's 2005 system in view of Dr. Schonfeld's Sonos Forums reference.

6 50. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
7 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his  
8 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 22-43) for the same  
9 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
10 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
11 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Dr. Schonfeld's  
12 Sonos Forums reference.

13 **3. Sonos's 2005 System in view of Nourse**

14 51. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
15 Asserted Claim 1 of the '885 Patent is rendered obvious based on Sonos's 2005 system in view of  
16 Nourse. Schonfeld 11/30/2022 Op. Report at ¶¶ 6, 269, 331, 367-369, 384, 436-437, 456. As I  
17 have previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
18 rendered obvious based on Sonos's 2005 system in view of Nourse.

19 52. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
20 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
21 of Nourse.

22 53. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
23 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
24 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of Nourse that he provided  
25 for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my analyses  
26 and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious based on  
27 Sonos's 2005 system in view of Nourse. As such, my analyses and opinions regarding the validity  
28 of the Asserted Claims of the '966 Patent over Sonos's 2005 system in view of Nourse provide

1 further support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered obvious  
2 based on Sonos's 2005 system in view of Nourse.

3       54. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
4 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his  
5 obviousness combinations based thereon (see Schonfeld Reply Report at ¶¶ 22-43) for the same  
6 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
7 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
8 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Nourse.

9                  4. **Sonos's 2005 System in view of Millington**

10       55. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
11 Asserted Claim 1 of the '885 Patent is rendered obvious based on Sonos's 2005 system in view of  
12 Millington. Schonfeld 11/30/2022 Op. Report at ¶¶ 6, 269, 396-400, 420-423. As I have  
13 previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
14 rendered obvious based on Sonos's 2005 system in view of Millington.

15       56. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
16 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
17 of Millington.

18       57. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
19 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
20 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of Millington that he provided  
21 for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my analyses  
22 and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious based on  
23 Sonos's 2005 system in view of Millington. As such, my analyses and opinions regarding the  
24 validity of the Asserted Claims of the '966 Patent over Sonos's 2005 system in view of Millington  
25 provide further support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered  
26 obvious based on Sonos's 2005 system in view of Millington.

27       58. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
28 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his

1 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 22-43) for the same  
2 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
3 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
4 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Millington.

5 **5. Sonos's 2005 System in view of Squeezebox**

6 59. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
7 Asserted Claim 1 of the '885 Patent is rendered obvious based on Sonos's 2005 system in view of  
8 his Squeezebox reference. Schonfeld 11/30/2022 Op. Report at ¶¶ 6, 403, 434, 445, 454. As I  
9 have previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
10 rendered obvious based on Sonos's 2005 system in view of Dr. Schonfeld's Squeezebox reference.

11 60. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
12 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
13 of Dr. Schonfeld's Squeezebox reference.

14 61. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
15 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
16 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of his Squeezebox reference  
17 that he provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part  
18 of my analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered  
19 obvious based on Sonos's 2005 system in view of Dr. Schonfeld's Squeezebox reference. As such,  
20 my analyses and opinions regarding the validity of the Asserted Claims of the '966 Patent over  
21 Sonos's 2005 system in view of Dr. Schonfeld's Squeezebox reference provide further support for  
22 my opinion that Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's  
23 2005 system in view of Dr. Schonfeld's Squeezebox reference.

24 62. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
25 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his  
26 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 22-43) for the same  
27 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
28 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the

1 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Dr. Schonfeld's  
2 Squeezebox reference.

3           **6. Sonos's 2005 System in view of Rajapakse**

4         63. In his November 30, 2022 Opening Report, although not entirely clear, Dr.  
5 Schonfeld appears to be offering an opinion that Asserted Claim 1 of the '885 Patent is rendered  
6 obvious based on Sonos's 2005 system in view of Rajapakse. *See* Schonfeld 11/30/2022 Op.  
7 Report at ¶ 6 (Dr. Schonfeld stating his opinion that Asserted Claim 1 of the '885 Patent is invalid  
8 based on "any additional combinations set forth below in my report"), ¶¶ 385-395, 424-431  
9 (providing an analysis of Asserted Claim 1 of the '885 Patent as compared to Sonos's 2005 system  
10 in view of Rajapakse). As I have previously explained, I disagree – it is my opinion Asserted  
11 Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view of  
12 Rajapakse.

13         64. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
14 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
15 of Rajapakse.

16         65. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
17 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
18 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of Nourse that he provided  
19 for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my analyses  
20 and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious based on  
21 Sonos's 2005 system in view of Rajapakse. As such, my analyses and opinions regarding the  
22 validity of the Asserted Claims of the '966 Patent over Sonos's 2005 system in view of Rajapakse  
23 provide further support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered  
24 obvious based on Sonos's 2005 system in view of Rajapakse.

25         66. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
26 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his  
27 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 22-43) for the same  
28 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,

1 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
2 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Rajapakse.

3           **7. Sonos's 2005 System in view of Lindemann**

4       67. In his November 30, 2022 Opening Report, although not entirely clear, Dr.  
5 Schonfeld appears to be offering an opinion that Asserted Claim 1 of the '885 Patent is rendered  
6 obvious based on Sonos's 2005 system in view of Lindemann. *See* Schonfeld 11/30/2022 Op.  
7 Report at ¶ 6 (Dr. Schonfeld stating his opinion that Asserted Claim 1 of the '885 Patent is invalid  
8 based on "any additional combinations set forth below in my report"), ¶¶ 401-402, 432-433  
9 (providing an analysis of Asserted Claim 1 of the '885 Patent as compared to Sonos's 2005 system  
10 in view of Lindemann ). As I have previously explained, I disagree – it is my opinion Asserted  
11 Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view of  
12 Lindemann.

13       68. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
14 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in view  
15 of Lindemann.

16       69. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
17 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
18 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of Nourse that he provided  
19 for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my analyses  
20 and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious based on  
21 Sonos's 2005 system in view of Lindemann. As such, my analyses and opinions regarding the  
22 validity of the Asserted Claims of the '966 Patent over Sonos's 2005 system in view of Lindemann  
23 provide further support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered  
24 obvious based on Sonos's 2005 system in view of Lindemann.

25       70. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
26 Dr. Schonfeld's additional analyses and opinions regarding Sonos's 2005 system and his  
27 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 22-43) for the same  
28 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,

1 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
2 '885 Patent is not rendered obvious based on Sonos's 2005 system in view of Lindemann.

3           **8. Sonos's 2005 System in view of Crestron**

4       71. In his November 30, 2022 Opening Report, although not entirely clear, Dr.  
5 Schonfeld appears to be offering an opinion that Asserted Claim 1 of the '885 Patent is rendered  
6 obvious based on Sonos's 2005 system in view of his new "Crestron" reference. *See* Schonfeld  
7 11/30/2022 Op. Report at ¶ 6 (Dr. Schonfeld stating his opinion that Asserted Claim 1 of the '885  
8 Patent is invalid based on "any additional combinations set forth below in my report"), ¶¶ 332,  
9 370-371, 405, 438-439, 447, 457 (providing an analysis of Asserted Claim 1 of the '885 Patent as  
10 compared to Sonos's 2005 system in view of his Crestron reference). I disagree – it is my opinion  
11 that Asserted Claim 1 of the '885 Patent is not rendered obvious based on Sonos's 2005 system in  
12 view of Dr. Schonfeld's Crestron reference.

13       72. As noted above, Dr. Schonfeld did not identify Crestron as a relevant prior art  
14 reference or provide any analysis of Sonos's 2005 system in view of Crestron in his June 22, 2022  
15 Opening Report, so I did not address the validity of Asserted Claim 1 of the '885 Patent over  
16 Sonos's 2005 system in view of Crestron in my 7/27/2022 Rebuttal Report.

17       73. However, because Dr. Schonfeld premised his obviousness opinions for the  
18 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
19 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of Crestron that he provided  
20 for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my analyses  
21 and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious based on  
22 Sonos's 2005 system in combination with Crestron. As such, my analyses and opinions regarding  
23 the validity of the Asserted Claims of the '966 Patent over Sonos's 2005 system in view of Crestron  
24 provide support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered obvious  
25 based on Sonos's 2005 system in combination with Crestron. .

26       74. For reasons similar to those discussed in my 1/13/2023 Rebuttal Report, I disagree  
27 with Dr. Schonfeld's analysis of Asserted Claim 1 of the '885 Patent as compared to Sonos's 2005  
28 system in combination with Crestron, which suffers from a number of flaws.

1       98.     As noted above, Dr. Schonfeld did not identify Yamaha DME as a relevant prior  
2 art reference or provide any analysis of Sonos's 2005 system in view of Yamaha DME in his June  
3 22, 2022 Opening Report, so I did not address the validity of Asserted Claim 1 of the '885 Patent  
4 over Sonos's 2005 system in view of Yamaha DME in my 7/27/2022 Rebuttal Report.

5       99.     However, because Dr. Schonfeld premised his obviousness opinions for the  
6 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
7 addressed Dr. Schonfeld's analyses of Sonos's 2005 system in view of Yamaha DME that he  
8 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
9 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
10 based on Sonos's 2005 system in combination with Yamaha DME. As such, my analyses and  
11 opinions regarding the validity of the Asserted Claims of the '966 Patent over Sonos's 2005 system  
12 view of Yamaha DME provide support for my opinion that Asserted Claim 1 of the '885 Patent is  
13 not rendered obvious based on Sonos's 2005 system in combination with Yamaha DME.

14      100.    For reasons similar to those discussed in my 1/13/2023 Rebuttal Report, I disagree  
15 with Dr. Schonfeld's analysis of Asserted Claim 1 of the '885 Patent as compared to Sonos's 2005  
16 system in combination with Yamaha DME, which suffers from a number of flaws.

17      101.    First, various materials related to the Yamaha DME System, including the DME  
18 Manual that Dr. Schonfeld primarily relies on in his discussion of the Yamaha DME System, are  
19 cited on the face of the '885 Patent, which shows that the Yamaha DME System was considered  
20 by the USPTO during prosecution of the '885 Patent and that the '885 Patent (including Asserted  
21 Claim 1) was allowed to issue over the Yamaha DME System. *See* '885 Patent at 1, 13, 23. In  
22 fact, during prosecution of the '885 Patent, the Examiner acknowledged that "DME does not  
23 explicitly teach the inclusion, exclusion, etc. of particular enumerated first, second, etc. players of  
24 the set of available players to form, create, save, recall etc. a particular first, second, etc.  
25 grouping...." *See* July 5, 2019 Office Action at p. 4. Additionally, after considering Sonos's claim  
26 amendments and arguments for why Yamaha DME does not teach the claimed "zone scene"  
27 technology of the '885 Patent (*see* August 23, 2019 Response to Office Action), the Examiner  
28 allowed the '966 Patent (including Asserted Claim 1) to issue over Yamaha DME and in the

1 knowledge of a POSITA.”

2       124. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
3 Asserted Claims of the ’966 Patent on his analyses of Asserted Claim 1 of the ’885 Patent, I  
4 addressed Dr. Schonfeld’s analyses of Sonos’s 2005 system in view of the “general knowledge of  
5 a POSITA” that he provided for Asserted Claim 1 of the ’885 Patent in my 1/13/2023 Rebuttal  
6 Report as part of my analyses and opinions as to why the Asserted Claims of the ’966 Patent are  
7 not rendered obvious based on Dr. Schonfeld’s Squeezebox reference in view of the “general  
8 knowledge of a POSITA.” As such, my analyses and opinions regarding the validity of the  
9 Asserted Claims of the ’966 Patent over Dr. Schonfeld’s Squeezebox reference in view of the  
10 “general knowledge of a POSITA” provide further support for my opinion that Asserted Claim 1  
11 of the ’885 Patent is neither anticipated by Dr. Schonfeld’s Squeezebox reference nor rendered  
12 obvious based on Dr. Schonfeld’s Squeezebox reference in view of the “general knowledge of a  
13 POSITA.”

14       125. I have also reviewed Dr. Schonfeld’s 1/23/2023 Reply Report, and I disagree with  
15 Dr. Schonfeld’s additional analyses and opinions regarding his Squeezebox reference and his  
16 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 44-62) for the same  
17 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
18 nothing in Dr. Schonfeld’s 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
19 ’885 Patent is not rendered obvious based on Dr. Schonfeld’s Squeezebox reference in view of the  
20 “general knowledge of a POSITA.”

21           **2. Squeezebox in view of Sonos Forums**

22       126. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
23 Asserted Claim 1 of the ’885 Patent is rendered obvious based on his Squeezebox reference in  
24 view of his Sonos Forums reference. Schonfeld 11/30/2022 Op. Report at ¶¶ 566-567. As I have  
25 previously explained, I disagree – it is my opinion Asserted Claim 1 of the ’885 Patent is not  
26 rendered obvious based on Dr. Schonfeld’s Squeezebox reference in view of his Sonos Forums  
27 reference.

28       127. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why

1 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox  
2 reference in view of his Sonos Forums reference.

3       128. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
4 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
5 addressed Dr. Schonfeld's analyses of his Squeezebox reference in view of his Sonos Forums  
6 reference that he provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report  
7 as part of my analyses and opinions as to why the Asserted Claims of the '966 Patent are not  
8 rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of his Sonos Forums  
9 reference. As such, my analyses and opinions regarding the validity of the Asserted Claims of the  
10 '966 Patent over Dr. Schonfeld's Squeezebox reference in view of his Sonos Forums reference  
11 provide further support for my opinion that Asserted Claim 1 of the '885 Patent is not rendered  
12 obvious based on Dr. Schonfeld's Squeezebox reference in view of his Sonos Forums reference.

13       129. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
14 Dr. Schonfeld's additional analyses and opinions regarding his Squeezebox reference and his  
15 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 44-62) for the same  
16 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
17 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
18 '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of his  
19 Sonos Forums reference.

20           **3. Squeezebox in view of Millington**

21       130. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
22 Asserted Claim 1 of the '885 Patent is rendered obvious based on his Squeezebox reference in  
23 view of Millington. Schonfeld 11/30/2022 Op. Report at ¶¶ 754-758, 782-787. As I have  
24 previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
25 rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of Millington.

26       131. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
27 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox  
28 reference in view of Millington.

1       132. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
2 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
3 addressed Dr. Schonfeld's analyses of his Squeezebox reference in view of Millington that he  
4 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
5 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
6 based on Dr. Schonfeld's Squeezebox reference in view of Millington. As such, my analyses and  
7 opinions regarding the validity of the Asserted Claims of the '966 Patent over Dr. Schonfeld's  
8 Squeezebox reference in view of Millington provide further support for my opinion that Asserted  
9 Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference  
10 in view of Millington.

11       133. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
12 Dr. Schonfeld's additional analyses and opinions regarding his Squeezebox reference and his  
13 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 44-62) for the same  
14 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
15 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
16 '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of  
17 Millington.

18           **4. Squeezebox in view of Nourse**

19       134. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
20 Asserted Claim 1 of the '885 Patent is rendered obvious based on his Squeezebox reference in  
21 view of Nourse. Schonfeld 11/30/2022 Op. Report at ¶¶ 568-570, 742, 798-799. As I have  
22 previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
23 rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of Nourse.

24       135. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
25 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox  
26 reference in view of Nourse.

27       136. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
28 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I

1 addressed Dr. Schonfeld's analyses of his Squeezebox reference in view of Nourse that he  
2 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
3 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
4 based on Dr. Schonfeld's Squeezebox reference in view of Nourse. As such, my analyses and  
5 opinions regarding the validity of the Asserted Claims of the '966 Patent over Dr. Schonfeld's  
6 Squeezebox reference in view of Nourse provide further support for my opinion that Asserted  
7 Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference  
8 in view of Nourse.

9       137. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
10 Dr. Schonfeld's additional analyses and opinions regarding his Squeezebox reference and his  
11 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 44-62) for the same  
12 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
13 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
14 '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of  
15 Nourse.

16           **5. Squeezebox in view of Rajapakse**

17       138. In his November 30, 2022 Opening Report, although not entirely clear, Dr.  
18 Schonfeld appears to be offering an opinion that Asserted Claim 1 of the '885 Patent is rendered  
19 obvious based on his Squeezebox reference in view of Rajapakse. *See* Schonfeld 11/30/2022 Op.  
20 Report at ¶ 6 (Dr. Schonfeld stating his opinion that Asserted Claim 1 of the '885 Patent is invalid  
21 based on "any additional combinations set forth below in my report"), ¶¶ 743-753, 788-795  
22 (providing an analysis of Asserted Claim 1 of the '885 Patent as compared to Squeezebox in view  
23 of Rajapakse). As I have previously explained, I disagree – it is my opinion Asserted Claim 1 of  
24 the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of  
25 Rajapakse.

26       139. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
27 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox  
28 reference in view of Rajapakse.

1       140. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
2 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
3 addressed Dr. Schonfeld's analyses of his Squeezebox reference in view of Rajapakse that he  
4 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
5 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
6 based on Dr. Schonfeld's Squeezebox reference in view of Rajapakse. As such, my analyses and  
7 opinions regarding the validity of the Asserted Claims of the '966 Patent over Dr. Schonfeld's  
8 Squeezebox reference in view of Rajapakse provide further support for my opinion that Asserted  
9 Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference  
10 in view of Rajapakse.

11       141. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
12 Dr. Schonfeld's additional analyses and opinions regarding his Squeezebox reference and his  
13 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 44-62) for the same  
14 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
15 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
16 '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of  
17 Rajapakse.

18           6. **Squeezebox in view of Lindemann**

19       142. In his November 30, 2022 Opening Report, although not entirely clear, Dr.  
20 Schonfeld appears to be offering an opinion that Asserted Claim 1 of the '885 Patent is rendered  
21 obvious based on his Squeezebox reference in view of Lindemann. *See* Schonfeld 11/30/2022 Op.  
22 Report at ¶ 6 (Dr. Schonfeld stating his opinion that Asserted Claim 1 of the '885 Patent is invalid  
23 based on "any additional combinations set forth below in my report"), ¶¶ 759-760, 796-797  
24 (providing an analysis of Asserted Claim 1 of the '885 Patent as compared to Sonos's 2005 system  
25 in view of Lindemann). As I have previously explained, I disagree – it is my opinion Asserted  
26 Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference  
27 in view of Lindemann.

28       143. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why

1 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox  
2 reference in view of Lindemann.

3       144. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
4 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
5 addressed Dr. Schonfeld's analyses of his Squeezebox reference in view of Lindemann that he  
6 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
7 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
8 based on Dr. Schonfeld's Squeezebox reference in view of Lindemann. As such, my analyses and  
9 opinions regarding the validity of the Asserted Claims of the '966 Patent over Dr. Schonfeld's  
10 Squeezebox reference in view of Lindemann provide further support for my opinion that Asserted  
11 Claim 1 of the '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference  
12 in view of Lindemann.

13       145. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
14 Dr. Schonfeld's additional analyses and opinions regarding his Squeezebox reference and his  
15 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 44-62) for the same  
16 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
17 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
18 '885 Patent is not rendered obvious based on Dr. Schonfeld's Squeezebox reference in view of  
19 Lindemann.

20              7. **Summary**

21       146. As discussed in my 7/27/2022 and 1/13/2023 Rebuttal Reports and the sub-sections  
22 above, there are a number of different limitations of Asserted Claim 1 of the '885 Patent that are  
23 neither disclosed by Squeezebox nor rendered obvious by Squeezebox either in view of the general  
24 knowledge of a POSITA, the Sonos Forums, Millington, Nourse, Rajapakse, or Lindemann. Any  
25 one of these claim limitations serves as a separate basis for my opinion that Asserted Claim 1 of  
26 the '885 Patent is not rendered obvious by Squeezebox in view of the general knowledge of a  
27 POSITA, the Sonos Forums, Millington, Nourse, Rajapakse, or Lindemann, and when taken  
28 collectively, these claim limitations provide even further support for my opinion that Asserted

1 Claim 1 of the '885 Patent is not rendered obvious by Squeezebox in view of the general  
2 knowledge of a POSITA, the Sonos Forums, Millington, Nourse, Rajapakse, or Lindemann.

3 147. Further, I note that Dr. Schonfeld appears to have only performed his obviousness  
4 analysis for Asserted Claim 1 of the '885 Patent on a limitation-by-limitation basis, and has not  
5 performed any analysis or offered any opinions as to whether Asserted Claim 1 of the '885 Patent  
6 as a whole would have been obvious, which I understand to be improper.

7 148. Further yet, I note that Dr. Schonfeld has only offered obviousness opinions with  
8 respect to Squeezebox as combined with a single other reference, and has not performed any  
9 analysis or offered any opinions as to whether a POSITA in 2005-06 would have been motivated  
10 to modify and combine Squeezebox with multiple different references.

11 149. Accordingly, for all of the reasons explained above, it is my opinion that Asserted  
12 Claim 1 of the '885 Patent is not rendered obvious by Squeezebox in view of the general  
13 knowledge of a POSITA, the Sonos Forums, Millington, Nourse, Rajapakse, or Lindemann.

14 C. **Claim 1 is Not Rendered Obvious Based on the Bose Lifestyle 50 System**

15 1. **The Bose Lifestyle 50 System Alone**

16 150. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
17 Asserted Claim 1 of the '885 Patent is rendered obvious based on the Bose Lifestyle 50 System in  
18 view of the "general knowledge of a POSITA." Schonfeld 11/30/2022 Op. Report at ¶¶ 855-909  
19 928-936, 954-962. As I have previously explained, I disagree – it is my opinion Asserted Claim  
20 1 of the '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of the  
21 "general knowledge of a POSITA."

22 151. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
23 Asserted Claim 1 of the '885 Patent is not rendered obvious based on Bose Lifestyle 50 System in  
24 view of the "general knowledge of a POSITA."

25 152. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
26 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
27 addressed Dr. Schonfeld's analyses of the Bose Lifestyle 50 System in view of the "general  
28 knowledge of a POSITA" that he provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023

1 Rebuttal Report as part of my analyses and opinions as to why the Asserted Claims of the '966  
2 Patent are not rendered obvious based on the Bose Lifestyle 50 System in view of the "general  
3 knowledge of a POSITA." As such, my analyses and opinions regarding the validity of the  
4 Asserted Claims of the '966 Patent over the Bose Lifestyle 50 System in view of the "general  
5 knowledge of a POSITA" provide further support for my opinion that Asserted Claim 1 of the '885  
6 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of the "general  
7 knowledge of a POSITA."

8 153. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
9 Dr. Schonfeld's additional analyses and opinions regarding the Bose Lifestyle 50 System and his  
10 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 63-73) for the same  
11 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
12 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
13 '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of the "general  
14 knowledge of a POSITA."

15 **2. The Bose Lifestyle 50 System in view of Nourse**

16 154. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
17 Asserted Claim 1 of the '885 Patent is rendered obvious based on the Bose Lifestyle 50 System in  
18 view of Nourse. Schonfeld 11/30/2022 Op. Report at ¶¶ 910. As I have previously explained, I  
19 disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not rendered obvious based on  
20 the Bose Lifestyle 50 System in view of Nourse.

21 155. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
22 Asserted Claim 1 of the '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System  
23 in view of Nourse.

24 156. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
25 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
26 addressed Dr. Schonfeld's analyses of the Bose Lifestyle 50 System in view of Nourse that he  
27 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
28 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious

1 based on the Bose Lifestyle 50 System in view of Nourse. As such, my analyses and opinions  
2 regarding the validity of the Asserted Claims of the '966 Patent over the Bose Lifestyle 50 System  
3 in view of Nourse provide further support for my opinion that Asserted Claim 1 of the '885 Patent  
4 is not rendered obvious based on the Bose Lifestyle 50 System in view of Nourse.

5 157. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
6 Dr. Schonfeld's additional analyses and opinions regarding the Bose Lifestyle 50 System and his  
7 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 63-73) for the same  
8 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
9 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
10 '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of Nourse.

11 **3. The Bose Lifestyle 50 System in view of Rajapakse**

12 158. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
13 Asserted Claim 1 of the '885 Patent is rendered obvious based on the Bose Lifestyle 50 System in  
14 view of Rajapakse. Schonfeld 11/30/2022 Op. Report at ¶¶ 911-921, 944-953. As I have  
15 previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
16 rendered obvious based on the Bose Lifestyle 50 System in view of Rajapakse.

17 159. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
18 Asserted Claim 1 of the '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System  
19 in view of Rajapakse.

20 160. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
21 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
22 addressed Dr. Schonfeld's analyses of the Bose Lifestyle 50 System in view of Rajapakse that he  
23 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
24 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
25 based on the Bose Lifestyle 50 System in view of Rajapakse. As such, my analyses and opinions  
26 regarding the validity of the Asserted Claims of the '966 Patent over the Bose Lifestyle 50 System  
27 in view of Rajapakse provide further support for my opinion that Asserted Claim 1 of the '885  
28 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of Rajapakse.

1       161. I have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with  
2 Dr. Schonfeld's additional analyses and opinions regarding the Bose Lifestyle 50 System and his  
3 obviousness combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 63-73) for the same  
4 reasons I have previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus,  
5 nothing in Dr. Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the  
6 '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of Rajapakse.

7                  4. **The Bose Lifestyle 50 System in view of Millington**

8       162. In his November 30, 2022 Opening Report, Dr. Schonfeld states his opinion that  
9 Asserted Claim 1 of the '885 Patent is rendered obvious based on the Bose Lifestyle 50 System in  
10 view of Millington. Schonfeld 11/30/2022 Op. Report at ¶¶ 922-927, 937-943. As I have  
11 previously explained, I disagree – it is my opinion Asserted Claim 1 of the '885 Patent is not  
12 rendered obvious based on the Bose Lifestyle 50 System in view of Millington.

13       163. My 7/27/2022 Rebuttal Report set forth my analyses and opinions as to why  
14 Asserted Claim 1 of the '885 Patent is not rendered obvious based on the Bose Lifestyle 50 System  
15 in view of Millington.

16       164. Additionally, because Dr. Schonfeld premised his obviousness opinions for the  
17 Asserted Claims of the '966 Patent on his analyses of Asserted Claim 1 of the '885 Patent, I  
18 addressed Dr. Schonfeld's analyses of the Bose Lifestyle 50 System in view of Millington that he  
19 provided for Asserted Claim 1 of the '885 Patent in my 1/13/2023 Rebuttal Report as part of my  
20 analyses and opinions as to why the Asserted Claims of the '966 Patent are not rendered obvious  
21 based on the Bose Lifestyle 50 System in view of Millington. As such, my analyses and opinions  
22 regarding the validity of the Asserted Claims of the '966 Patent over the Bose Lifestyle 50 System  
23 in view of Millington provide further support for my opinion that Asserted Claim 1 of the '885  
24 Patent is not rendered obvious based on the Bose Lifestyle 50 System in view of Millington. I  
25 have also reviewed Dr. Schonfeld's 1/23/2023 Reply Report, and I disagree with Dr. Schonfeld's  
26 additional analyses and opinions regarding the Bose Lifestyle 50 System and his obviousness  
27 combinations based thereon (*see* Schonfeld Reply Report at ¶¶ 63-73) for the same reasons I have  
28 previously explained in my 7/27/2022 and 1/13/2023 Rebuttal Reports. Thus, nothing in Dr.

1 Schonfeld's 1/23/2023 Reply Report alters my opinion that Asserted Claim 1 of the '885 Patent is  
2 not rendered obvious based on the Bose Lifestyle 50 System in view of Millington.

3           **5. Summary**

4       165. As discussed in my 7/27/2022 and 1/13/2023 Rebuttal Reports and the sub-sections  
5 above, there are a number of different limitations of Asserted Claim 1 of the '885 Patent that are  
6 neither disclosed by the Bose Lifestyle 50 System nor rendered obvious by the Bose Lifestyle 50  
7 System either in view of the general knowledge of a POSITA, Nourse, Rajapakse, or Millington.  
8 Any one of these claim limitations serves as a separate basis for my opinion that Asserted Claim  
9 1 of the '885 Patent is not rendered obvious by the Bose Lifestyle 50 System in view of the general  
10 knowledge of a POSITA, Nourse, Rajapakse, or Millington, and when taken collectively, these  
11 claim limitations provide even further support for my opinion that Asserted Claim 1 of the '885  
12 Patent is not rendered obvious by the Bose Lifestyle 50 System in view of the general knowledge  
13 of a POSITA, Nourse, Rajapakse, or Millington.

14       166. Further, I note that Dr. Schonfeld appears to have only performed his obviousness  
15 analysis for Asserted Claim 1 of the '885 Patent on a limitation-by-limitation basis, and has not  
16 performed any analysis or offered any opinions as to whether Asserted Claim 1 of the '885 Patent  
17 as a whole would have been obvious, which I understand to be improper.

18       167. Further yet, I note that Dr. Schonfeld has only offered obviousness opinions with  
19 respect to the Bose Lifestyle 50 System as combined with a single other reference, and has not  
20 performed any analysis or offered any opinions as to whether a POSITA in 2005-06 would have  
21 been motivated to modify and combine the Bose Lifestyle 50 System with multiple different  
22 references.

23       168. Accordingly, for all of the reasons explained above, it is my opinion that Asserted  
24 Claim 1 of the '885 Patent is not rendered obvious by the Bose Lifestyle 50 System in view of the  
25 general knowledge of a POSITA, Nourse, Rajapakse, or Millington.

26           **D. Obviousness Type Double Patenting Over U.S. Patent No. 9,141,645**

27       169. In his November 30, 2022 Opening Report, Dr. Schonfeld opines that Asserted  
28 Claim 1 of the '885 Patent is obvious based on obviousness-type double patenting over claim 1 of

1       **XII. DEMONSTRATIVES**

2           187. To help assist in my testimony at trial, I have prepared a number of demonstratives  
3 that are attached hereto as **Exhibit 1**. These demonstratives are exemplary and I reserve the right  
4 to create additional demonstratives and/or to modify the demonstratives in **Exhibit 1** based on the  
5 material in this report. For example, I reserve the right to create additional demonstratives and/or  
6 to modify the demonstratives in **Exhibit 1** based on the images and/or evidence cited in this report.  
7 I also incorporate by reference and reserve the right to use the demonstratives I prepared for my  
8 previous reports as well as Sonos's Technology Tutorial and the images contained therein.

9       **XIII. RESERVATION OF RIGHT**

10          188. I reserve the right to further expound on my rebuttal opinions in subsequent  
11 declarations, reports, and/or at trial.

12

13 Dated: March 21, 2023

14 By: Kevin C Almeroth  
15 Kevin C. Almeroth

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